

Please Answer These Questions:

Person Who Wants To Be Guardian:

Full Name: _____
Street Address: _____
City and State: _____
Zip Code: _____
Home Phone Number: (____) _____
Work Phone Number: (____) _____
Date of Birth: ____ / ____ / ____
Social Security Number: _____
Driver's License Number: _____ State: ____

Person Who Will Be The Petitioner:

Same Person As The Person Who Wants To Be Guardian

Full Name: _____
Street Address: _____
City and State: _____
Zip Code: _____
Home Phone Number: (____) _____
Work Phone Number: (____) _____

How many children will be included in this guardianship? 1: 2: 3: 4:

Remember: all of the children must be brothers or sisters (or half-brothers/half-sisters).

Names Of The Child(ren):

First (or Only) Child's full name: _____
Second Child's full name: _____
Third Child's full name: _____
Fourth Child's full name: _____

What Do I Do Now?

You have 2 choices:

1. You can complete your forms working on your computer, or
2. You can print your forms now and finish filling them out with a pen.

These forms are designed to be FASTER to finish using a computer than using a pen.

Press this button to PRINT your forms now:

Press this button to CLEAR your forms:

If you want to USE YOUR COMPUTER, read the **IMPORTANT HINTS** below; then scroll to next page.

IMPORTANT HINTS:

Save this document to your computer before you fill out your forms:

If you are you using [Adobe READER](#), print your forms BEFORE you close this document. The information you enter in the forms is NOT SAVED after you close the document.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):		TELEPHONE AND FAX NOS.:	FOR COURT USE ONLY
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:			
GUARDIANSHIP OF (Name): <div style="text-align: right;">MINOR</div>			
PETITION FOR APPOINTMENT OF GUARDIAN OF <input type="checkbox"/> MINOR <input type="checkbox"/> MINORS <input type="checkbox"/> Person <input type="checkbox"/> Estate			CASE NUMBER:

1. **Petitioner (name):** requests that
 a. (Name and address): (Telephone):
 be appointed guardian of the PERSON of the minor and Letters issue upon qualification.
 b. (Name and address): (Telephone):
 be appointed guardian of the ESTATE of the minor and Letters issue upon qualification.
 c. ☐ the proposed guardian be appointed for several minors who are brothers and sisters. The information requested in items 2-11 for each additional minor is supplied in Attachment 1c.
 d. (1) ☐ bond not be required ☐ because proposed guardian is a corporate fiduciary or an exempt government agency ☐ for the reasons stated in Attachment 1d.
 (2) ☐ \$ bond be fixed. It will be furnished by an authorized surety company or as otherwise provided by law. (Specify reasons in Attachment 1d if the amount is different from minimum required by Prob. Code, § 8482.)
 (3) ☐ \$ in deposits in a blocked account be allowed. Receipts will be filed. (Specify institution and location):
 e. ☐ authorization be granted under Probate Code section 2590 to exercise independently the powers specified in Attachment 14.
 f. ☐ orders relating to the powers and duties of the proposed guardian of the person under Probate Code sections 2351-2358 be granted (specify orders, facts, and reasons in Attachment 1f).
 g. ☐ an order dispensing with notice to the persons named in Attachment 15 be granted.
 h. ☐ other orders be granted (specify in Attachment 1h).
 2. The minor is (name): ☐ married ☐ unmarried
 (Present address and telephone):
 3. Date of minor's birth:
 4. Petitioner is
 a. ☐ related to the minor as (specify):
 b. ☐ a minor 12 years of age or older.
 c. ☐ other person on behalf of minor (specify):
 5. The proposed guardian is
 a. ☐ nominee (affix nomination as Attachment 5).
 b. ☐ related to minor as (specify):
 c. ☐ other (specify):
 6. a. ☐ The person having legal custody of the minor is (name and address):
 b. ☐ (Complete only if this person is one other than the person having legal custody.) The person having the care of the minor is (name and address):
 7. The minor
 a. ☐ is ☐ is not a patient in or on leave of absence from a state institution under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services (specify state institution):
 b. ☐ is neither receiving nor entitled to receive ☐ is receiving or entitled to receive benefits from the Veterans Administration (estimate amount of monthly benefit payable): \$
 c. ☐ does ☐ does not have Native American ancestry. (Provide information required by Indian Child Welfare Act as Attachment 7c.)

Do NOT use this form for a temporary guardianship.

(Continued on reverse)

GUARDIANSHIP OF (Name): <div style="border-bottom: 1px solid black; height: 1.2em; width: 95%; margin-top: 5px;"></div> <div style="text-align: right; margin-top: 5px;">MINOR</div>	CASE NUMBER: <div style="border-bottom: 1px solid black; height: 1.2em; width: 95%; margin-top: 5px;"></div>
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8. Petitioner ☐ has ☐ has no knowledge that the minor is receiving public assistance benefits (*specify in Attachment 8*).
9. Petitioner ☐ has ☐ has no knowledge that there are any adoption, juvenile court, marriage dissolution, domestic relations, custody, or other similar proceedings affecting the minor (*specify in Attachment 9*).
10. ☐ Petitioner, with intent to adopt, has accepted or intends to accept physical care or custody of the minor.
11. ☐ A person other than the proposed guardian has been nominated by ☐ will ☐ other nomination (nomination affixed as Attachment 11) (*specify name and address*):
12. **Character and estimated value of property of the estate:**
 Personal property: \$
 Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits: \$
Total: \$
 Real property: \$
13. Appointment of a guardian of the ☐ person ☐ estate of the minor is necessary and convenient for the reasons stated in Attachment 13. ☐ Parental custody of the minor would be detrimental for the reasons stated in Attachment 13.
14. ☐ Granting the proposed guardian of the estate powers to be exercised independently under Probate Code section 2590 would be to the advantage and benefit and in the best interest of the guardianship estate. Powers and reasons are specified in Attachment 14.
15. ☐ Notice to the persons named in Attachment 15 should be dispensed with under Probate Code section 1511 because ☐ they cannot with reasonable diligence be given notice (*specify names and efforts to locate in Attachment 15*) ☐ the giving of notice would be contrary to the interest of justice (*specify names and reasons in Attachment 15*).
16. (*Complete this section only for a petition, other than one for appointment of a guardian of the estate only, filed by a person who is not related to the minor.*)
- a. ☐ Petitioner is the proposed guardian and will promptly furnish all information requested by any agency referred to in Probate Code section 1543.
☐ Petitioner is not the proposed guardian. A statement by the proposed guardian that he or she will promptly furnish all information requested by any agency referred to in Probate Code section 1543 is affixed as Attachment 16a.
- b. The proposed guardian's home ☐ is ☐ is not a licensed foster family home.
- c. ☐ The proposed guardian has never filed any petition for adoption of the minor ☐ except as specified in Attachment 16c.
17. ☐ Filed with this petition are the following (*see Judicial Council forms GC-211, GC-110, and MC-150*):
- | | |
|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| <input type="checkbox"/> Consent of Proposed Guardian | <input type="checkbox"/> Waiver of Notice and Consent |
| <input type="checkbox"/> Nomination of Guardian | <input type="checkbox"/> Petition for Appointment of Temporary Guardian |
| <input type="checkbox"/> Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) | |

18. The names, residence addresses, and relationships of the father, mother, spouse, brothers, sisters, grandparents, and children of the minor, so far as known to petitioner, are as follows:

<u>Relationship and name</u>	<u>Residence address</u>
a. Father:	
b. Mother:	
c. Grandparents:	
d.	

e. ☐ List of names and addresses continued in Attachment 18.

19. Number of pages attached: _____

Date: _____

*(Signature of all petitioners also required (Prob. Code, § 1020).)

(SIGNATURE OF ATTORNEY *)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

.....

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

.....

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

Superior Court of the State of California
County of San Francisco

In re the proposed Guardianship of
(name of the child):

Case No. _____

**Declaration of
Proposed Guardian**
PGF-1

- *CONFIDENTIAL* -

To be placed in the child's Confidential File

The person who wants to be guardian must answer these questions.

(1) Why can't the parents care for the child?

(2) Do the parents agree that you can be the guardian? ☐ Yes ☐ No

If No, explain:

(3) Your full legal name:

Your date of birth: ____/____/____

Your education (last grade completed): ____

Your current job: _____

Are you in good health: ☐ Yes ☐ No

If No, explain:

(4) Are you already a guardian to any other child? ☐ Yes ☐ No

If Yes, list the county where you are a guardian and the names of the children your are guardian to:

(5) Tell us about everyone who lives in your household. If you need more room, list additional names and information on a separate sheet of paper and attach after the last page of the declaration:

Complete legal name	Date of Birth	Relationship

(6) Who has the child lived with since birth?

(7) Does the child have any special emotional, psychological, educational or physical needs? ☐ Yes ☐ No

If Yes, explain:

If Yes, describe your ability to meet the child's needs:

(8) Will the child need day care? ☐ Yes ☐ No

If Yes, give information about the child's day care provider:

Name of day care provider: _____

1 Day care address: _____

2 Day care Telephone number: _____

3 (9) Is the child in school? ☐ Yes ☐ No

4 If Yes, give information about the child's school:

5 Name of school: _____

6 School address: _____

7 School Telephone number: _____

8 (10) Will the child have his or her own room in your house? ☐ Yes ☐ No

9 If No, explain who the child will share a room with.

10 _____

11 _____

12 (11) Will you get or ask for support to help take care of the child?

13 ☐ Yes ☐ No

14 If Yes, explain type of support. *Remember:* even if you are the child's guardian, the
15 parent must still support the child.

16 _____

17 _____

18 (12) Does the child have a student visa? ☐ Yes ☐ No

19 If Yes, attach a copy of the visa.

20 (13) Does anyone in your home have an arrest record (you or anyone else who
21 lives with you)? ☐ Yes ☐ No

22 If yes, say what the charges were, the date and place of offense, and how the case
23 ended, such as "guilty", or "case dismissed".

24 _____

25 _____

26 (14) Is the child involved in any other court case? This can be in Juvenile Court,
Family Court or any other court. ☐ Yes ☐ No

27 _____

28 _____

1 If Yes, say what the charges were, the date and place of offense, and how the
2 case ended, such as "guilty", or "case dismissed".

3 _____
4 _____

5 (15) Have you, or anyone who lives with you, had any contact with Child
6 Protective Services of the Department of Social Services? ☐ Yes ☐ No

7 If Yes, explain:

8 _____
9 _____

10 (16) Where does the child get health care?

11 Name of the child's doctor or
12 clinic: _____

13 Telephone number: _____

14 I declare under penalty of perjury under the laws of the State of California that the
15 above information is true and correct.

16 Dated: _____

17 Signed: _____

18 _____
19 Name of Declarant (Type or print)
20
21
22
23
24
25
26
27
28

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <hr/> TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____	
<input type="checkbox"/> CONSENT OF PROPOSED GUARDIAN <input type="checkbox"/> NOMINATION OF GUARDIAN <input type="checkbox"/> CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE	CASE NUMBER: _____

CONSENT OF PROPOSED GUARDIAN

1. I consent to serve as guardian of the ☐ person ☐ estate of the minor.

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF PROPOSED GUARDIAN)

NOMINATION OF GUARDIAN

2. I am ☐ a parent of the minor ☐ a donor of a gift to the minor. I nominate (name and address):

as guardian of the ☐ person ☐ estate of the minor.

3. I am ☐ a parent of the minor ☐ a donor of a gift to the minor. I nominate (name and address):

as guardian of the ☐ person ☐ estate of the minor.

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE)

NOTICE: The guardian of the person of a minor child has full legal and physical custody until the child becomes an adult or is adopted, the court changes guardians, or the court terminates the guardianship. Parents or other interested persons must petition the court to terminate the guardianship. The court will not do so unless the judge decides that termination would be in the child's best interest.

CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE

4. I consent to appointment of the guardian as requested in the *Petition for Appointment of Guardian of Minor*, filed on (date): _____. I am entitled to notice in this proceeding, but I waive notice of hearing of the petition, including notice of any request for independent powers contained in it. I waive timely receipt of a copy of the petition.

DATE

(TYPE OR PRINT NAME)

(SIGNATURE)

RELATIONSHIP TO MINOR

DATE

(TYPE OR PRINT NAME)

(SIGNATURE)

RELATIONSHIP TO MINOR

DATE

(TYPE OR PRINT NAME)

(SIGNATURE)

RELATIONSHIP TO MINOR

☐ Continued on Attachment 4.

CONFIDENTIAL (DO NOT ATTACH TO PETITION)

GC-212

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
GUARDIANSHIP OF (Name): _____ MINOR	
CONFIDENTIAL GUARDIAN SCREENING FORM Guardianship of <input type="checkbox"/> Person <input type="checkbox"/> Estate	CASE NUMBER: _____

Each proposed guardian shall submit this screening form with the guardianship petition.
This form shall remain confidential.

How This Form Will Be Used

This form is **confidential** and will not be a part of the public file in this case. You are required to complete and submit this form to the court under rule 7.1001 of the California Rules of Court. The information you provide will be used by the court and by persons and agencies designated by the court to assist the court in determining whether to appoint you as guardian. You **must** provide a response to each item.

1. a. **Proposed guardian (name):**
 b. Date of birth: _____
 c. Social security number: _____
 d. Driver's license number: _____ State: _____
 e. Telephone numbers: Home: _____ Work: _____ Other: _____

2. ☐ I am ☐ I am not required to register as a sex offender under California Penal Code section 290. *(If you are, explain in Attachment 2.)*

3. ☐ I have ☐ I have not been charged with, arrested for, or convicted of a crime deemed to be a felony or a misdemeanor. *(If you have, explain in Attachment 3.)* ☐ Check here if you have been arrested for drug or alcohol-related offenses.

4. ☐ I have ☐ I have not had a restraining order or protective order filed against me in the last 10 years. *(If you have, explain in Attachment 4.)*

5. ☐ I am ☐ I am not receiving services from a psychiatrist, psychologist, or therapist for a mental health-related issues. *(If you are, explain in Attachment 5.)*

6. Do you or does any other person living in your home have a social worker or parole or probation officer assigned to him or her?
☐ Yes ☐ No *(If yes, explain in Attachment 6 and provide the name and address of each social worker, parole officer, or probation officer.)*

7. Have you or has any other person living in your home been charged with, arrested for, or convicted of any form of child abuse, neglect, or molestation?
☐ Yes ☐ No *(If yes, explain in Attachment 7.)*

8. Are you aware of any reports alleging any form of child abuse, neglect, or molestation made to any agency charged with protecting children (e.g., Child Protective Services) or any other law enforcement agency regarding you or any other person living in your home?
☐ Yes ☐ No *(If yes, explain in Attachment 8 and provide the name and address of each agency.)*

(Continued on reverse)

CONFIDENTIAL

GUARDIANSHIP OF (Name):	CASE NUMBER:
MINOR	

9. Have you or has any other person living in your home habitually used any illegal substances or abused alcohol?
☐ Yes ☐ No (If yes, explain in Attachment 9.)
10. Have you or has any other person living in your home been charged with, arrested for, or convicted of a crime involving illegal substances or alcohol?
☐ Yes ☐ No (If yes, explain in Attachment 10.)
11. Do you or does any other person living in your home suffer from mental illness?
☐ Yes ☐ No (If yes, explain in Attachment 11.)
12. Do you suffer from any physical disability that would impair your ability to perform the duties of guardian?
☐ Yes ☐ No (If yes, explain in Attachment 12.)
13. ☐ I have or may have ☐ I do not have an adverse interest that the court may consider to be a risk to, or to have an effect on, my ability to faithfully perform the duties of guardian. (If you have or may have, explain in Attachment 13.)
14. ☐ I have ☐ I have not previously been appointed guardian, conservator, executor, or fiduciary in another proceeding. (If you have, explain in Attachment 14.)
15. ☐ I have ☐ I have not been removed as guardian, conservator, executor, or fiduciary in any other case. (If you have, explain in Attachment 15.)
16. ☐ I have ☐ I have not filed for bankruptcy protection within the last 10 years. (If you have, explain in Attachment 16.)

MINORS' CONTACT INFORMATION

- | | | |
|-------------------|--------------|-------------|
| 17. Minor's name: | School: | |
| Home tel.: | School tel.: | Other tel.: |
| 18. Minor's name: | School: | |
| Home tel.: | School tel.: | Other tel.: |
| 19. Minor's name: | School: | |
| Home tel.: | School tel.: | Other tel.: |
- ☐ Information on additional minors is attached.

DECLARATION

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PROPOSED GUARDIAN*)

*Each proposed guardian must fill out and file a separate screening form.

When you are appointed by the court as a guardian of a minor, you become an officer of the court and assume certain duties and obligations. An attorney is best qualified to advise you about these matters. You should clearly understand the information on this form. You will find additional information in the *Guardianship Pamphlet (for Guardianships of Children in the Probate Court)* (Form GC-205), which is available from the court.

If the probate court appoints you as a *guardian of the person* for a child, you will be required to assume important duties and obligations.

- As guardian, you **do not** have the right to change the child's residence to a place outside of California unless you first receive the court's permission. If the court grants permission, California law requires that you establish legal guardianship in the state where the child will be living. Individual states have different rules regarding guardianships. You should seek additional information about guardianships in the state where you want the child to live.

Form Adopted for Mandatory Use
Judicial Council of California
GC-248 [New January 1, 2001]

GUARDIAN OF (Name):	MINOR	CASE NUMBER:
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- e. **Medical treatment** - As guardian, you are responsible for meeting the medical needs of the child. In most cases, you have the authority to consent to the child's medical treatment. However, if the child is 14 years or older, surgery may not be performed on the child unless either (1) both the child and the guardian consent or (2) a court order is obtained that specifically authorizes the surgery. This holds true except in emergencies. A guardian may not place a child involuntarily in a mental health treatment facility under a probate guardianship. A mental health conservatorship proceeding is required for such an involuntary commitment. However, the guardian may secure counseling and other necessary mental health services for the child. The law also allows older and more mature children to consent to their own treatment in certain situations such as outpatient mental health treatment, medical care related to pregnancy or sexually transmitted diseases, and drug and alcohol treatment.
- f. **Community resources** - There are agencies in each county that may be helpful in meeting the specific needs of children who come from conflicted, troubled, or deprived environments. If the child has special needs, you must strive to meet those needs or secure appropriate services.
- g. **Financial support** - Even when the child has a guardian, the parents are still obligated to financially support the child. The guardian may take action to obtain child support. The child may also be eligible for Temporary Aid for Needy Families, TANF (formerly known as AFDC), social security benefits, Veterans Administration benefits, Indian child welfare benefits, and other public or private funds.
- h. **Visitation** - The court may require that you allow visitation or contact between the child and his or her parents. The child's needs often require that the parent-child relationship be maintained, within reason. However, the court may place restrictions on the visits, such as the requirement of supervision. The court may also impose other conditions in the child's best interest.
- i. **Driver's license** - As guardian of the person, you have the authority to consent to the minor's application for a driver's license. If you consent, you will become liable for any civil damages that may result if the minor causes an accident. The law requires that anyone signing the DMV application obtain insurance to cover the minor.
- j. **Enlistment in the armed services** - The guardian may consent to a minor's enlistment in the armed services. If the minor enters into active duty with the armed forces, the minor becomes emancipated under California law.
- k. **Marriage** - For the minor to marry, the guardian **and the court** must give permission. If the minor enters a valid marriage, the minor becomes emancipated under California law.
- l. **Change of address** - A guardian must notify the court in writing of any change in the address of either the child or the guardian. This includes any changes that result from the child's leaving the guardian's home or returning to the parent's home. You **must** always obtain **court permission** before you move the child to another state or country.
- m. **Court visitors and status reports** - Some counties have a program in which "court visitors" track and review guardianships. If your county has such a program, you will be expected to cooperate with all requests of the court visitor. As guardian, you may also be required to fill out and file status reports. In all counties, you must cooperate with the court and court investigators.
- n. **Misconduct of the child** - A guardian, like a parent, is liable for the harm and damages caused by the willful misconduct of a child. There are special rules concerning harm caused by the use of a firearm. If you are concerned about your possible liability, you should consult an attorney.
- o. **Additional responsibilities** - The court may place other conditions on the guardianship or additional duties upon you, as guardian. For example, the court may require the guardian to complete counseling or parenting classes, to obtain specific services for the child, or to follow a scheduled visitation plan between the child and the child's parents or relatives. As guardian, you must follow all court orders.

(Continued on page three)

GUARDIAN OF (Name):	MINOR	CASE NUMBER:
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- p. **Termination of guardianship of the person** - A guardianship of the person automatically ends when the child reaches the age of 18, is adopted, marries, is emancipated by court order, enters into active military duty, or dies. If none of these events has occurred, the child, a parent, or the guardian may petition the court for termination of guardianship. But it must be shown that the guardianship is no longer necessary or that termination of the guardianship is in the child's best interest.

2. GUARDIANSHIP OF THE ESTATE

If the court appoints you as *guardian of the child's estate*, you will have additional duties and obligations. The money and other assets of the child are called the child's "estate." Appointment as guardian of a child's estate is taken very seriously by the court. The guardian of the estate is required to manage the child's funds, collect and make an inventory of the assets, keep accurate financial records, and regularly file financial accountings with the court.

MANAGING THE ESTATE

- a. **Prudent investments** - As guardian of the estate, you must manage the child's assets with the care of a prudent person dealing with someone else's property. This means that you must be cautious and may not make speculative or risky investments.
- b. **Keeping estate assets separate** - As guardian of the estate, you must keep the money and property of the child's estate separate from everyone else's, including your own. When you open a bank account for the estate, the account name must indicate that it is a *guardianship* account and not your personal account. You should use the child's social security number when opening estate accounts. You should never deposit estate funds in your personal account or otherwise mix them with your own funds or anyone else's funds, even for brief periods. Securities in the estate must be held in a name that shows that they are estate property and not your personal property.
- c. **Interest-bearing accounts and other investments** - Except for checking accounts intended for ordinary expenses, you should place estate funds in interest-bearing accounts. You may deposit estate funds in insured accounts in federally insured financial institutions, but you should not put more than \$100,000 in any single institution. You should consult with an attorney before making other kinds of investments.
- d. **Blocked accounts** - A *blocked account* is an account with a financial institution in which money is placed. No person may withdraw funds from a blocked account without the court's permission. Depending on the amount and character of the child's property, the guardian may elect **or the court may require** that estate assets be placed in a blocked account. As guardian of the estate, you must follow the directions of the court and the procedures required to deposit funds in this type of account. The use of a blocked account is a safeguard and may save the estate the cost of a bond.
- e. **Other restrictions** - As guardian of the estate, you will have many other restrictions on your authority to deal with estate assets. Without prior court order, you **may not** pay fees to yourself or your attorney. You may not make a gift of estate assets to anyone. You may not borrow money from the estate. As guardian, you may not use estate funds to purchase real property without a prior court order. If you do not obtain the court's permission to spend estate funds, you may be compelled to reimburse the estate from your own personal funds and may be removed as guardian. You should consult with an attorney concerning the legal requirements relating to sales, leases, mortgages, and investment of estate property. If the child of whose estate you are the guardian has a living parent or if that child receives assets or is entitled to support from another source, you must obtain court approval before using guardianship assets for the child's support, maintenance, or education. You must file a petition or include a request for approval in the original petition, and set forth which exceptional circumstances justify any use of guardianship assets for the child's support. The court will ordinarily grant such a petition for only a limited period of time, usually not to exceed one year, and only for specific and limited purposes.

INVENTORY OF ESTATE PROPERTY

- f. **Locate the estate's property** - As guardian of the estate, you must locate, take possession of, and protect the child's income and assets that will be administered in the estate. You must change the ownership of all assets into the guardianship estate's name. For real estate, you should record a copy of your *Letters of Guardianship* with the county recorder in each county where the child owns real property.

(Continued on reverse)

GUARDIAN OF (Name):	MINOR	CASE NUMBER:
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- g. **Determine the value of the property** - As guardian of the estate, you must arrange to have a court-appointed referee determine the value of the estate property unless the appointment is waived by the court. You—not the referee—must determine the value of certain "cash items." An attorney can advise you about how to do this.
- h. **File an inventory and appraisal** - As guardian of the estate, you must file an inventory and appraisal within 90 days after your appointment. You may be required to return to court 90 days after your appointment as guardian of the estate to ensure that you have properly filed the inventory and appraisal.

INSURANCE

- i. **Insurance coverage** - As guardian of the estate, you should make sure that there is appropriate and sufficient insurance covering the assets and risks of the estate. You should maintain the insurance in force throughout the entire period of the guardianship or until the insured asset is sold.

RECORD KEEPING AND ACCOUNTING

- j. **Records** - As guardian of the estate, you must keep complete, accurate records of each financial transaction affecting the estate. The checkbook for the guardianship checking account is essential for keeping records of income and expenditures. You should also keep receipts for all purchases. Record keeping is critical because you will have to prepare an accounting of all money and property that you have received, what you have spent, the date of each transaction, and its purpose. You will also have to be able to describe in detail what is left after you have paid the estate's expenses.
- k. **Accountings** - As guardian of the estate, you must file a petition requesting that the court review and approve your accounting one year after your appointment and at least every two years after that. The court may ask that you justify some or all expenditures. You should have receipts and other documents available for the court's review, if requested. If you do not file your accounting as required, the court will order you to do so. You may be removed as guardian for failure to file an accounting.
- l. **Format** - As guardian of the estate, you must comply with all state and local rules when filing your accounting. A particular format is specified in the Probate Code, which you must follow when you present your account to the court. You should check local rules for any special local requirements.
- m. **Legal advice** - An attorney can advise you and help you prepare your inventories, accountings, and petitions to the court. If you have questions, you should consult with an attorney.

3. OTHER GENERAL INFORMATION

- a. **Removal of a guardian** - A guardian may be removed for specific reasons or when it is in the child's best interest. A guardian may be removed either on the court's own motion or by a petition filed by the child, a relative of the child, or any other interested person. If necessary, the court may appoint a successor guardian, or the court may return the child to a parent if that is found to be in the child's best interest.
- b. **Legal documents** - For your appointment as guardian to be valid, the *Order Appointing Guardian of Minor* must be signed. Once the court signs the order, the guardian **must** go to the clerk's office, where *Letters of Guardianship* will be issued. *Letters of Guardianship* is a legal document that provides proof that you have been appointed and are serving as the guardian of a minor. You should obtain several certified copies of the *Letters* from the clerk. These legal documents will be of assistance to you in the performance of your duties, such as enrolling the child in school, obtaining medical care, and taking care of estate business.
- c. **Attorneys and legal resources** - If you have an attorney, the attorney will advise you on your duties and responsibilities, the limits of your authority, the rights of the child, and your dealings with the court. **If you have legal questions, you should consult with your attorney.** Please remember that the court staff cannot give you legal advice.

(Continued on page five)

GUARDIAN OF (Name):

MINOR

CASE NUMBER:

If you are not represented by an attorney, you may obtain answers to your questions by contacting community resources, private publications, or your local law library.

NOTICE: This statement of duties is a summary and is not a complete statement of the law. Your conduct as a probate guardian is governed by the law itself and not by this summary.

ACKNOWLEDGMENT OF RECEIPT

1. I have petitioned the court to be appointed as a guardian.
2. I acknowledge that I have received a copy of this statement of the duties of the position of guardian.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PETITIONER)

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PETITIONER)

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PETITIONER)

- | | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-------------------------------------------------------------|---------------|-----|
| a. Child's name | | Place of birth | Date of birth | Sex |
| Period of residence
to present | Address
<input type="checkbox"/> Confidential | Person child lived with (<i>name and present address</i>) | Relationship | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| b. Child's name | Place of birth | Date of birth | Sex | |
| <input type="checkbox"/> Residence information is the same as given above for child a.
(If NOT the same, provide the information below.) | | | | |
| Period of residence
to present | Address
<input type="checkbox"/> Confidential | Person child lived with (<i>name and present address</i>) | Relationship | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

- Family Code, § 3400 et seq.
Probate Code, §§ 1510(f), 1512
www.courtinfo.ca.gov

SHORT TITLE: Guardianship of _____	CASE NUMBER:
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4. Have you participated as a party or a witness or in some other capacity in another litigation or custody proceeding, in California or elsewhere, concerning custody of a child subject to this proceeding?

☐ No ☐ Yes (If yes, provide the following information:)

a. Name of each child:

b. Capacity of declarant: ☐ party ☐ witness ☐ other (specify):

c. Court (specify name, state, location):

d. Court order or judgment (date):

5. Do you have information about a custody proceeding pending in a California court or any other court concerning a child subject to this proceeding, other than that stated in item 4?

☐ No ☐ Yes (If yes, provide the following information:)

a. Name of each child:

b. Nature of proceeding: ☐ dissolution or divorce ☐ guardianship ☐ adoption ☐ other (specify):

c. Court (specify name, state, location):

d. Status of proceeding:

6. Do you know of any person who is not a party to this proceeding who has physical custody or claims to have custody of or visitation rights with any child subject to this proceeding?

☐ No ☐ Yes (If yes, provide the following information:)

a. Name and address of person <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights </div>	b. Name and address of person <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights </div>	c. Name and address of person <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights </div>
Name of each child	Name of each child	Name of each child

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)	(SIGNATURE OF DECLARANT)

7. ☐ Number of pages attached after this page:

NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, state bar number, and address</i>): TELEPHONE AND FAX NOS.:	FOR COURT USE ONLY
ATTORNEY FOR (<i>Name</i>): SUPERIOR COURT OF CALIFORNIA, COUNTY OF MAILING ADDRESS: STREET ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF (<i>Name</i>): <div style="text-align: right;"><input type="checkbox"/> MINOR <input type="checkbox"/> CONSERVATEE</div>	
<div style="text-align: center;">NOTICE OF HEARING</div>	
CASE NUMBER:	

This notice is required by law. This notice does not require you to appear in court, but you may attend the hearing if you wish.

1. NOTICE is given that (*name*):
 (*representative capacity, if any*):
 has filed (*specify*):

2. You may refer to the filed documents for further particulars. (*All of the case documents filed with the court are available for examination in the case file kept by the court clerk.*)

3. The petition includes an application for the independent exercise of powers under of the Probate Code section 2590. Powers requested are ☐ specified below ☐ specified in Attachment 3.

4. A HEARING on the matter will be held as follows:

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Room:
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 b. Address of court ☐ same as noted above ☐ is (*specify*):

(Continued on reverse)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, state bar number, and address</i>): ATTORNEY FOR (<i>Name</i>):	TELEPHONE AND FAX NOS.:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (<i>Name</i>): <div style="text-align: right;">MINOR</div>		
ORDER APPOINTING GUARDIAN OF <input type="checkbox"/> MINOR <input type="checkbox"/> MINORS		
		CASE NUMBER:
WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.		

1. The petition for appointment of guardian came on for hearing as follows (*check boxes c, d, and e to indicate personal presence*):

- a. Judge (*name*):
- b. Hearing date: _____ Time: _____ Dept.: _____ Room: _____
- c. ☐ Petitioner (*name*):
- d. ☐ Attorney for Petitioner (*name*):
- e. ☐ Attorney for minor (*name, address, and telephone*):

THE COURT FINDS

2. a. ☐ All notices required by law have been given.
 b. ☐ Notice of hearing to the following persons ☐ has been ☐ should be dispensed with (*names*):
3. ☐ Appointment of a guardian of the ☐ person ☐ estate of the minor is necessary and convenient.
4. ☐ Granting the guardian powers to be exercised independently under Probate Code section 2590 is to the advantage and benefit and is in the best interest of the guardianship estate.
5. ☐ Attorney (*name*): _____ has been appointed by the court as legal counsel to represent the minor in these proceedings. The cost for representation is: \$ _____
6. ☐ The appointed court investigator, probation officer, or domestic relations investigator is (*name, title, address, and telephone*):

THE COURT ORDERS

7. a. (*Name*): _____
 (*Address*): _____ (*Telephone*): _____

is appointed guardian of the PERSON of (*name*):
 and *Letters* shall issue upon qualification.

Do NOT use this form for a temporary guardianship.

(Continued on reverse)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	TELEPHONE AND FAX NOS.:	FOR COURT USE ONLY
GUARDIANSHIP OF (Name): <div style="text-align: right;">MINOR</div>		CASE NUMBER:
<div style="text-align: center;"> LETTERS OF GUARDIANSHIP <input type="checkbox"/> Person <input type="checkbox"/> Estate </div>		

LETTERS

1. (Name):
is appointed guardian of the ☐ person ☐ estate
of (name):
2. ☐ Other powers have been granted and conditions have
been imposed as follows:
 - a. ☐ Powers to be exercised independently under
Probate Code section 2590 as specified in
Attachment 2a (*specify powers, restrictions,
conditions, and limitations*).
 - b. ☐ Conditions relating to the care and custody of
the property under Probate Code section
2402 as specified in Attachment 2b.
 - c. ☐ Conditions relating to the care, treatment,
education, and welfare of the minor under
Probate Code section 2358 as specified in
Attachment 2c.
 - d. ☐ Other (*specify in Attachment 2d*).
3. ☐ The guardian is not authorized to take possession of
money or any other property without a specific court
order.
4. Number of pages attached: _____

WITNESS, clerk of the court, with seal of the court affixed.

(SEAL)	Date: Clerk, by <div style="text-align: center;">_____</div> <div style="text-align: center;">(DEPUTY)</div>
--------	----------------------------------------------------------------------------------------------------------------------------

AFFIRMATION
 I solemnly affirm that I will perform the duties of guardian
according to law.

Executed on (date):

at (place):



(SIGNATURE OF APPOINTEE)

CERTIFICATION
 I certify that this document and any attachments is a correct
copy of the original on file in my office, and that the *Letters*
issued to the person appointed above have not been revoked,
annulled, or set aside and are still in full force and effect.

WITNESS, clerk of the court, with seal of the court affixed.

(SEAL)	Date: Clerk, by <div style="text-align: center;">_____</div> <div style="text-align: center;">(DEPUTY)</div>
--------	----------------------------------------------------------------------------------------------------------------------------

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
<p style="text-align: center;">PROOF OF SERVICE OF SUMMONS</p>	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the summons and
 - a. ☐ complaint
 - b. ☐ Alternative Dispute Resolution (ADR) package
 - c. ☐ Civil Case Cover Sheet (*served in complex cases only*)
 - d. ☐ cross-complaint
 - e. ☐ other (*specify documents*):
3. a. Party served (*specify name of party as shown on documents served*):

b. Person served: ☐ party in item 3a ☐ other (*specify name and relationship to the party named in item 3a*):
4. Address where the party was served:
5. I served the party (*check proper box*)
 - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (*date*): _____ (2) at (*time*): _____
 - b. ☐ **by substituted service.** On (*date*): _____ at (*time*): _____ I left the documents listed in item 2 with or in the presence of (*name and title or relationship to person indicated in item 3b*): _____
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (*date*): _____ from (*city*): _____ or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

- c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* (form 982(a)(4)) and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt (form 982(a)(4)).*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (*specify means of service and authorizing code section*):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (*specify*):
- c. ☐ On behalf of (*specify*):

under the following Code of Civil Procedure section:

- | | |
|-------------------------------------------------------------------|-----------------------------------------------------------------------|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name:
- b. Address:
- c. Telephone number:
- d. **The fee** for service was: \$
- e. I am:
- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ registered California process server:
- (i) ☐ Employee or independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☐ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ **I am a California sheriff or marshal and** I certify that the foregoing is true and correct.

Date:

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

INSTRUCTIONS FOR BACKGROUND CHECK FORM

- The Background Check form is attached. A Child Protective Services (CPS) and criminal background check are required in all proposed guardianship cases.
- The Background Check form must be completed before the hearing date for the proposed guardianship.
- The proposed guardianship will not be heard by the judge until this requirement is completed.
- You must complete the Background Check form for:
 - Yourself as proposed guardian
 - All adults who live in the home
 - Other adults who have ongoing contact with the child
- When you have completed the Background Check form, attach copies of the following forms that you have already filed:
 - Petition for Appointment of Guardian, (GC-210)
 - Confidential Guardian Screening Form, (GC-212)
 - Declaration of Proposed Guardian, (PGF-1)
 - Notice of Hearing , (GC-020)
- Mail the Background Check form and the attached copies of filed forms to the Department of Human Services at the address shown in #9 of the Background Check form.
- You do not need to file the Background Check form with the court.

Background Check Form

To the person who wants to be Guardian:

Answer the questions below. The Department of Human Services will use this form to check for criminal records and history of child abuse or neglect.

If you do not speak English, ask someone to help you with this form.

Si no habla inglés, pida ayuda para llenar este formulario. 如果您不懂英文，請讓其他人幫您填寫此表格。

The judge will not hear your case until the Department of Human Services has checked your background.

- 1** Your name: _____ Hearing date: ____ / ____ / ____
- 2** Your address: _____
- 3** Your birth date: ____ / ____ / ____ Social Security #: _____
- 4** Driver's License #: _____ Phone #: (____) _____
- 5** Guardianship of: _____ Case No.: _____
- 6** Will any other adult (18 or older) live in the same home as the proposed guardian or spend a lot of time with the child? ☐ Yes ☐ No

If "Yes", fill out information below for each adult.

Other Adult #1 Name: _____ Date of Birth: ____ / ____ / ____
Social Security #: _____ Driver's License #: _____

Other Adult #2 Name: _____ Date of Birth: ____ / ____ / ____
Social Security #: _____ Driver's License #: _____

Other Adult #3 Name: _____ Date of Birth: ____ / ____ / ____
Social Security #: _____ Driver's License #: _____

If more than 3 other adults, attach another sheet with their information.

- 7** Proposed Guardian signs and dates here:
X _____ Date: ____ / ____ / ____

- 8** Attach **filed** copies of the forms listed below to this form:
☐ *Petition for Appointment of Guardian, GC-210* ☐ *Notice of Hearing, GC-020*
☐ *Declaration of Proposed Guardian, PGF-1* ☐ *Confidential Guardian Screening Form, GC-212*

- 9** Give copies of your filed court forms and this *Background Check Form* to a server. Ask the server to mail them to:
San Francisco Department of Human Services
Legal Guardianship Unit, J350
P.O. Box 7988
San Francisco, CA 94120

- 10** After the server mails the forms, the server — **not you** — must fill out the *Proof of Service by Mail* section on the back of the *Notice of Hearing* (form GC-020) and give it back to you. You must file that form with the Court.

Do not file this Background Check Form with the Court.

(Follow the instructions in 8, 9 and 10 above.)